**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

OWEN J. ROGAL, D.D.S., P.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION NO.**
	)	**3:06-cv-00728-MHT**
SKILSTAF, INC.,	)	
	)	
Defendant.	)	
	)	

JOINT REPORT OF PARTIES' PLANNING MEETING

1. **Appearances:** Pursuant to Federal Rule of Civil Procedure 26(f), a meeting of the parties' representative was held by telephone on October 10, 2006, among Robert E. Cole and Amelia T. Driscoll.

    a. Appearing on behalf of Plaintiff: Robert E. Cole

    b. Appearing on behalf of Defendant: Amelia T. Driscoll

2. **Initial Disclosures:**   The parties will exchange by November 10, 2006, the information required by Federal Rule of Civil Procedure 26(a)(1).

3. **Discovery Plan:** The parties jointly propose to the court the following discovery plan.

Defendant objects to producing materials other than those contained in the

administrative record because this is an ERISA claim under the arbitrary and

capricious standard of review. Plaintiff wants to reserve the right to some

limited discovery.   Counsel believe the parties can resolve any discovery issues which may arise, including issues concerning the scope of discovery.

If discovery is not limited, the following schedule is proposed, unless modified by stipulation of the parties:

a. **Depositions:** A party may not exceed five (5) non-party, non-expert witness depositions, with a maximum time limit of seven (7) hours per deposition, including the depositions of parties, unless such time limit is extended by agreement of the parties.

b. **Interrogatories:**   Maximum of 30 by each party, with responses due within 30 days after service.

c. **Requests for Admission:** Maximum of 30 by each party, with responses due within 30 days after service.

d. **Requests for Production:** Maximum of 30 by each party, with responses due within 30 days after service.

e. **Supplementation:** Under Federal Rule of Civil Procedure 26(e), supplementations to responses should be made within 30 days of learning of the need to supplement; in no event should supplementation be made later than May 4, 2007.

f. **Expert Testimony:**   Unless modified by stipulation of the parties, the disclosure of expert witnesses – including a complete report under Federal Rule of Civil Procedure 26(a)(2)(B) from any specially retained or employed expert – are due:
   i. From Plaintiff: April 9, 2007
   ii. From Defendant: May 9, 2007

g. Unless modified by court order for good cause shown, all discovery must be commenced in time to be completed by June 8, 2007.

4. **Other Items.**

   a. The parties do not request a conference with the court before entry of the scheduling order.

   b. The parties request a pretrial hearing on August 13, 2007.

   c. Plaintiff and Defendant should be allowed until December 15, 2006, to join additional parties and to amend the pleadings.

   d. All potentially dispositive motions should be filed by May 11, 2007.

   e. Settlement cannot be evaluated prior to the end of discovery.

   f. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from Plaintiff and Defendant by 45 days before trial.

   g. Parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

   h. The case should be ready for trial by October 1, 2007, and at this time is expected to take approximately 2 days.

Dated: October 10, 2006

s/Robert E. Cole
Robert E. Cole
437 Chestnut Street, Suite 218
Philadelphia, PA 19109
Telephone: (215) 922-2050
Fascimile: (215) 922-2006
recoleesq6@juno.com

Attorney for Plaintiff

s/Charles A. Stewart III
Charles A. Stewart III (STE067)
Bradley Arant Rose & White LLP
The Alabama Center for Commerce
401 Adams Avenue, Suite 780
Montgomery, AL 36104
Telephone: (334) 956-7700
Facsimile: (334) 956-7701
cstewart@bradleyarant.com

Amelia T. Driscoll (DRI016)
Bradley Arant Rose & White LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2104
Telephone: (205) 521-8000
Facsimile: (205) 521-8800
jchristie@bradleyarant.com
adriscoll@bradleyarant.com

Attorneys for Defendant